

## PHARMACY BOARD[657]

### Notice of Intended Action

#### **Proposing rule making related to remote supervision of pharmacy technicians and providing an opportunity for public comment**

The Board of Pharmacy hereby proposes to amend Chapter 3, “Pharmacy Technicians,” and Chapter 6, “General Pharmacy Practice,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 147.76 and 155A.6A.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 147.76 and 155A.6A.

#### *Purpose and Summary*

The proposed amendments provide for pharmacist delegation of technical functions relating to prescription processing activities (e.g., data entry or insurance processing) under specific conditions to an Iowa-registered certified pharmacy technician who is performing the delegated functions at a location other than where the supervising pharmacist is physically located. The authorized delegation would allow pharmacies to continue such remote activities initiated under the pandemic-related public health emergency under conditions that require:

- Adequate security and supervision to be maintained at all times to prevent unauthorized access to, and unauthorized storage/transfer of, confidential patient information or patient records;
- The supervising pharmacist to have real-time access to the prescription processing system that the technician is using or the patient records that the technician is processing;
- The technician to have access to the supervising pharmacist via a real-time communication mechanism; and
- The prescription processing system to be capable of documenting the functions performed by the technician.

The proposed amendments also authorize a pharmacist to provide patient counseling via real-time interactive communication when the pharmacist is at a location other than the licensed pharmacy.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 657—Chapter 34.

### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on April 26, 2022. Comments should be directed to:

Sue Mears  
Board of Pharmacy  
400 S.W. 8th Street, Suite E  
Des Moines, Iowa 50309  
Email: [sue.mears@iowa.gov](mailto:sue.mears@iowa.gov)

### *Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

April 27, 2022  
10 a.m.

Health Professions Board Room  
400 S.W. 8th Street, Suite H  
Des Moines, Iowa 50309  
Also via Zoom — Link available 24 hours in  
advance at [pharmacy.iowa.gov/meetings](https://pharmacy.iowa.gov/meetings)

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 657—3.5(155A), introductory paragraph, as follows:

**657—3.5(155A) Certification of pharmacy technicians.** Except as provided in subrule 3.5(1), all pharmacy technicians shall be required to be nationally certified as provided by this rule. National certification acquired through successful completion of any NCCA-accredited pharmacy technician certification program and examination fulfills the requirement for national certification. National certification does not replace the need for licensed pharmacist control over the performance of delegated functions, nor does national certification exempt the pharmacy technician from registration pursuant to these rules. A certified pharmacy technician shall maintain the technician's national certification, in addition to the technician's Iowa registration, during any period of employment in or for an Iowa pharmacy as a certified pharmacy technician.

ITEM 2. Amend rule 657—3.21(155A) as follows:

**657—3.21(155A) Delegation of functions.**

**3.21(1) Policies and procedures.** Pursuant to established policies and procedures and the supervising pharmacist's professional judgment, a an Iowa-licensed supervising pharmacist may delegate any technical or nontechnical functions in the operation of the pharmacy, except those which are prohibited pursuant to rule 657—3.23(155A), to an appropriately trained and registered Iowa-registered

pharmacy technician, ~~but only if the pharmacist is on-site and available to supervise the pharmacy technician when delegated functions are performed, except as provided in rule 657—6.7(124,155A) or 657—7.6(155A), as appropriate, or as provided for telepharmacy in 657—Chapter 13.~~

**3.21(2) *Remote supervision.*** A supervising pharmacist may delegate technical functions relating to prescription processing (e.g., data entry or insurance processing) to a certified pharmacy technician who is performing the delegated functions at a location that is not a licensed pharmacy only if the following conditions are met:

*a.* Adequate security and supervision are maintained at all times to prevent unauthorized access to, and unauthorized storage/transfer of, confidential patient information or patient records;

*b.* The supervising pharmacist has real-time access to the prescription processing system which the certified pharmacy technician is using or the patient record which the certified pharmacy technician is processing;

*c.* The supervising pharmacist is available to respond to certified pharmacy technician questions via a real-time communication mechanism at all times when delegated functions are being performed; and

*d.* The pharmacy's prescription processing system is capable of documenting the functions performed by the certified pharmacy technician.

**3.21(3) *Pharmacist final verification required.*** Except as provided for an approved technician product verification program pursuant to 657—Chapter 40, the pharmacist shall provide and document the final verification for the accuracy, validity, completeness, and appropriateness of the patient's prescription or medication order prior to the delivery of the medication to the patient or the patient's representative.

**3.21(4) *Further delegation prohibited.*** A pharmacy technician shall not delegate technical functions to a pharmacy support person.

ITEM 3. Renumber subrules **6.14(4)** to **6.14(6)** as **6.14(5)** to **6.14(7)**.

ITEM 4. Adopt the following **new** subrule 6.14(4):

**6.14(4) *Remote counseling.*** Patient counseling that is provided by the pharmacy via a pharmacist who is at a location other than the licensed pharmacy shall be provided via a real-time interactive communication mechanism.